

Entered - 12/18/02 - sb  
CL - 02L0925 LISA CARTER

CLAIM OF: MARCUS WARD

9377 Hidden Branch Drive  
Jonesboro, Georgia 30236

03-R-1916

For damages alleged to have been sustained as a result of  
vehicular damage on October 23, 2002 at 1200 Toffie  
Terrace.

THIS ADVERSED REPORT IS  
APPROVED

BY:

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 11/10/03

CHAIR:

ADVERSED

NOV 17 2003

*[Handwritten signatures and initials over lines]*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

November 17, 2003

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Marcus Ward  
9377 Hidden Branch Drive  
Jonesboro, Georgia 30236

03-R-1916

Dear Ms. Ward:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 17, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0925

Date: October 28, 2003

Claimant /Victim MARCUS WARD

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 9377 Hidden Branch Drive Jonesboro, Georgia 30236

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 763.20 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 12/12/02 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/23/02 Place: 1200 Toffie Terrace

Department Aviation Bureau: \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that his vehicle sustained damages when it was struck by a lawnmower at 1200 Toffie Terrace. However, an investigation determined that there is no evidence the prove the allegations made by the claimant.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 10/30/03

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5155  
11/17/03  
3:51 PM

Atlanta City Council

Regular Session

CONSENT I                    EXCEPT:03-R-1973,03-R-1974,1981,1834,  
                              03-R-1801,03-R-1878 03-R-1879, 03-R-1971  
                              ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		11-17-03 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1812 2. 03-O-1802 3. 03-O-1958 4. 03-O-1959 5. 03-O-1960 6. 03-O-1961 7. 03-O-1962 8. 03-O-1963 9. 03-O-1809 10. 03-O-1957 11. 03-O-1862 12. 03-O-1868 13. 03-O-1699 14. 03-O-1805 15. 03-O-1806 16. 03-O-1807 17. 03-O-1813 18. 03-O-1871 19. 03-O-1966 20. 03-R-1477 21. 03-R-1877 22. 03-R-1952 23. 03-R-1886 24. 03-R-1882 25. 03-R-1883 26. 03-R-1884 27. 03-R-1885 28. 03-R-1980 29. 03-R-1972 30. 03-R-1982 31. 03-R-0929 32. 03-R-0982 33. 03-R-1665 34. 03-R-1889 35. 03-R-1891 36. 03-R-1892 37. 03-R-1893 38. 03-R-1894 39. 03-R-1900 40. 03-R-1953 41. 03-R-1975	42. 03-R-1902 43. 03-R-1903 44. 03-R-1904 45. 03-R-1905 46. 03-R-1906 47. 03-R-1907 <b>Items Adversed on consent</b> 48. 03-R-1908 49. 03-R-1909 50. 03-R-1910 51. 03-R-1911 52. 03-R-1912 53. 03-R-1913 54. 03-R-1914 55. 03-R-1915 56. 03-R-1916 57. 03-R-1917 58. 03-R-1918 59. 03-R-1919 60. 03-R-1920 61. 03-R-1921 62. 03-R-1922 63. 03-R-1923 64. 03-R-1924 65. 03-R-1925 66. 03-R-1926 67. 03-R-1927 68. 03-R-1928 69. 03-R-1929 70. 03-R-1930 71. 03-R-1931 72. 03-R-1932 73. 03-R-1933 74. 03-R-1934 75. 03-R-1935 76. 03-R-1936 77. 03-R-1937 78. 03-R-1938 79. 03-R-1939	80. 03-R-1940 81. 03-R-1941 82. 03-R-1942 83. 03-R-1943 84. 03-R-1944 85. 03-R-1945 86. 03-R-1946 87. 03-R-1947 88. 03-R-1948 89. 03-R-1949 90. 03-R-1950 91. 03-R-1951